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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/781,971

Conf. No.: 4419

Filing Date: 02/19/2004

Art Unit: 2815

Applicant: Arayata et al.

Examiner: Diaz, Jose R.

Title: ELECTRONIC PACKAGE, HEATER
BLOCK AND METHOD

Docket No.: END920020009US2
(IBME-0043CIP)

COMMISSIONER FOR PATENTS

DESTINATION FACSIMILE NUMBER: 703-872-9306

Transmitted herewith is: **Response to Restriction Requirement in 3 pages**
in the above identified application.

CERTIFICATION OF FACSIMILE TRANSMISSION

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Wendy E. Thompson
(Person transmitting this correspondence)

Wendy E. Thompson 7/5/2005
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In Re Application of: Arayata, *et al.*

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This paper is being filed in response to the Restriction Requirement dated June 13, 2005.

Claims 1-20 are pending in this application. Applicants hereby provisionally elect Group III, claims 16-20, with traverse. Prompt examination on the merits is respectfully requested.

In the Restriction Requirement, the Office asserts that the invention as defined in Group I is distinct from the invention as defined in Group II. While Applicants disagree with this conclusion, they submit that there are other more significant grounds that justify searching the two Groups together. In particular, Applicants submit that the subject matter of Groups I and II are sufficiently related that a thorough search for the subject matter of the Group I invention would encompass a search for the subject matter of the Group II invention. More specifically, Applicants submit the subject matter of claims 10-15 substantially correspond to claims 1, 3, 4, 1 (again), 5, and 6, respectively. Thus, it is respectfully submitted that the search and examination

10/781,971

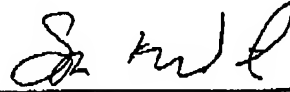
Page 1 of 3

of Group I will encompass all of the subject matter of Group II, and thus a search for both Groups could be made without serious burden. See MPEP § 803 in which it is stated: "if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examining by the Patent Office.

Additionally, the Office asserts that the invention as defined in Group II is distinct from the invention as defined in Group III. While Applicants disagree with this conclusion, they submit that there are other more significant grounds that justify searching the two Groups together. In particular, Applicants submit that the subject matter of Groups II and III are sufficiently related that a thorough search for the subject matter of the Group III invention would encompass a search for the subject matter of the Group II invention. More specifically, Applicants submit the subject matter of claims 16-20 substantially correspond to claim 10. Thus, it is respectfully submitted that the search and examination of Group III will encompass all of the subject matter of Group II, and thus a search for both Groups could be made without serious burden.

Should the Examiner require anything further from Applicants, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,



Spencer K. Warnick
Reg. No. 40,398

Date: July 5, 2005

(DLP)

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